THE HONORABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.246 OF 2006

Dated: 04-01-2006

Between

Bharat Sanchar Nigam Limited, rep.

By its Chief General Manager,

Telecom, AP Circle, Hyderabad

and another.

...PETITIONERS

AND

The Assistant Provident Fund Commissioner,

Employees Provident Fund Organisation,

(Ministry of Labour, Govt. of India),

Sub-Regional Office, Balasamudram,

Hanamkonda, Warangal and another.

...RESPONDENTS

ORDER:

Petitioners question the order dated 20.12.2005 issued by the first respondent under Section 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') directing the petitioner No.2 to remit an amount Rs.10,19,140/- payable towards the damages and interest for the delayed remittance.

Admittedly there is an effective alternative remedy by way of right of appeal under Section

7-I of the Act before the appellate authority within 60 days from the date of receipt of the impugned order. As the impugned order is passed on 20.12.2005 the petitioners have got ample time to file an appeal within 60 days from 20.12.2005.

Having regard to the facts and circumstances of the case,
the petitioners are permitted to file an appeal before the appellate authority and if the petitioners deposit half of the demanded amount within four weeks from today there shall be stay of operation of the impugned proceedings pending disposal of the appeal. If no appeal is filed, it is open for the respondents to proceed further to recover the said amount.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 4, 2006

Note: Furnish C.C. of the order by 06.01.2006

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DSK